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Broward County
Supervisor of Elections

Candidate Workshop

April 4, 2012

9:30 a.m. to 11:30 a.m.

IMPORTANT

- The responsibility of the qualifying officer in this state has been regarded as being ministerial in nature. Such an official merely examines the face of the qualifying papers presented and, if in proper order, accepts them.
 - Op. Atty Gen. Fla 76-130 (June 10, 1976)
 - State ex rel Shevin v. Stone, 279 So.2d 17 (Fla 1972)

BECOMING A CANDIDATE



What to file and When?

- ❑ Appointment of Campaign Treasurer and Designation of Depository (DS-DE 9).
 - **Must be filed prior to opening a campaign account, collecting contributions or making expenditures.**
 - **Must be filed prior to collecting signatures.**
 - **One form filed for each Treasurer and Deputy Treasurer.**

- ❑ Statement of Candidate (DS-DE 84)

Changing the Designation of Office

- File a new Designation of Campaign Treasurer with the filing officer (DS-DE 9).
- Within 15 days, notify all contributors and offer to return their contribution. Include DS-DE 86.
- If return of contribution is requested, return a pro rata share to the contributor.
- If not requested within 30 days, the contribution can be used for the new office.

Resign-to-Run (RTR)

- A candidate should be aware of the requirements of the RTR law (F.S. 99.012(3). See FAQ on Division's website (<http://election.dos.state.fl.us>) for additional information.
- Failure to comply with RTR law
 - It takes a court order to remove the person's name from the ballot – a qualifying officer has no independent authority to remove the officer's name from the ballot.



Residency

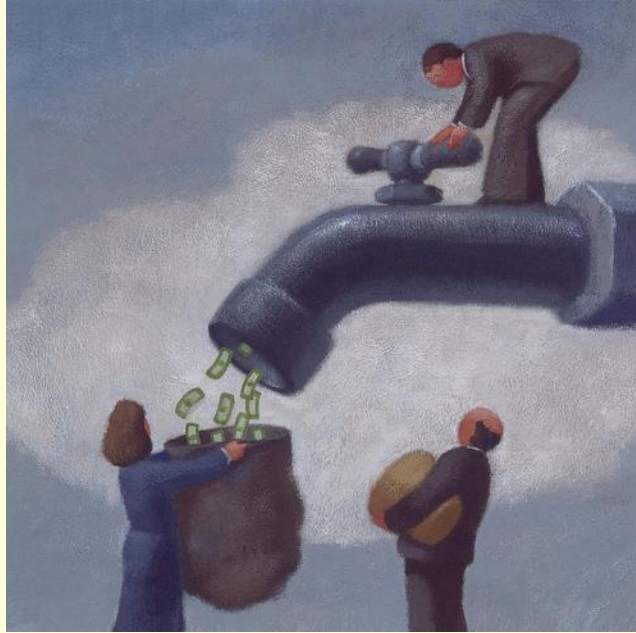
- Residency requirements vary for each office.
- How is residency determined?
 - DE Opinions 80-27 and 93-05 – Key element of residency is the intent of the individual.
- When does the candidate have to meet requirement?
 - DE Opinion 94-04 – at the commencement of the term unless otherwise provided by law or judicially.
- Failure to comply with Residency Requirements
 - It takes a court order to remove the person's name from the ballot – a qualifying officer has no independent authority to remove the candidate's name from the ballot.



Campaign Treasurer Reports F.S 106.07

- After filing the DS-DE 9, periodic Treasurer's Reports are required.
- Reports are filed electronically.
- Filed quarterly prior to qualifying.
- After qualifying, beginning on the 32nd day prior to the Primary, reports are filed every two weeks and prior to the General beginning on the 46th day.
- A termination report must be filed within 90 days of withdrawing the candidacy, becoming unopposed, elected or eliminated.

Contribution Limits



- \$500 per election (primary and general are considered two different elections). (Maximum \$1,000 if candidate is in both the Primary and General elections.)
- \$100 from a minor (an unemancipated child under the age of 18)
- \$50 cash or cashier's check
- Money orders and traveler's checks up to \$500
- A candidate's contributions to his own campaign are unlimited

Contribution Limits (continued)

- Contributions must be deposited in the depository within 5 days of receipt
- May accept contributions via Pay Pal
- May accept contributions from multiple companies owned by the same person
- Contributions from joint checking accounts (a check drawn on a joint account with only one signature is deemed to be from the person signing. Unless the check is for \$1000, the candidate should not accept a check with two signatures from a joint account.)

Expenditures

F.S. 106.011(4), 106.1405

- Anything of value made for the purpose of influencing the results of the election.
- May **not** use to defray normal living costs for the candidate or his family.
- May be used for expenses incurred by the candidate or his family for transportation, meals, and lodging during the course of the campaign.
- No expenditures shall be made or authorized without sufficient funds on deposit in the campaign account.
- Payment shall be made upon receipt and acceptance of goods or services.

Petty Cash

F.S. 106.12



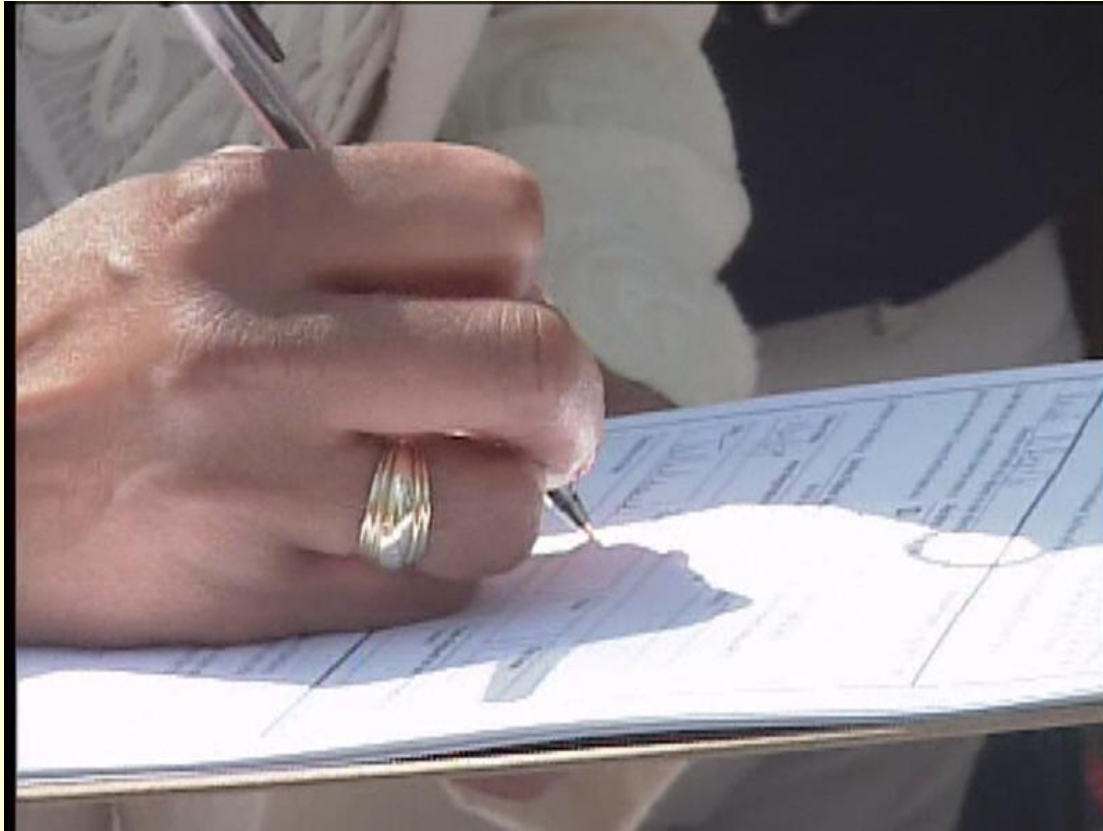
- ❑ \$500 per quarter until the end of qualifying
- ❑ \$100 per week after qualifying
- ❑ May **not** be used for the purchase of time, space, or services from a communication media
- ❑ Limited to \$100 per item purchased.
- ❑ Reported when withdrawal is made (PCW) and when cash is spent (PCS).
- ❑ Candidate keeps receipts and details on purpose, but it is not itemized on the Treasurer's Report.



Penalty for Late Filing

- \$50 per day for the first three days and \$500 per day thereafter.
- Not to exceed 25% of the expenditures or contributions, whichever is greater.
- Reports due immediately prior to Primary or General Election are \$500 per day, not to exceed 25%, etc.
- The calculation of days begins on the day after the due date and includes weekends and holidays.
- Late fines must be paid out of the candidate's own funds.

Candidate Petition Process



Purpose



- A person qualifying by the petition process is not required to pay the qualifying fee or party assessment.
- Signatures are valid only for the next qualifying period immediately following such filings. Exception: Special elections
- 1% of any registered voters in the geographical area represented by the office are required. Exceptions: Special Districts – 25 signatures.
- In re-apportionment years (2012), 1% of the voters in the state or county. Exception: school board – not re-districting until 2013.
- If there are funds left in the campaign after the candidate is reimbursed for any contributions the candidate made to campaign, the candidate must reimburse the qualifying officer for any petition verification fees waived and the 1% election assessment. This money is forwarded to the Department of State and is deposited in the General Revenue Fund.

Form for Petition Process

- ☐ Form DS-DE 104, Candidate Petition
 - Signatures on petitions that are not on the current form (Rev 09/11) are not valid.
 - Candidates are responsible for reproducing the petition.
 - Forms cannot be altered.
 - Political disclaimer may be necessary.
 - Forms can be made larger or smaller and can be made part of another document, but must be separated from the other part by a solid or broken line.
- ☐ Submitted for verification to the SOE in the County in which the voter is registered.
- ☐ Candidate's responsibility to ensure that petitions are submitted to correct County.
- ☐ Candidates will be notified to pick up if they have misfiled petitions.

Collecting Signatures

- Deadline for **submitting** petitions: noon, May 7, 2012 for June qualifying (March 19 is the deadline for Judicial candidates.)
- Verification fee is 10 cents per petition submitted. Fees must be paid **by the candidate**:
 - Campaign check or petty cash;
 - Candidate uses personal funds and reports as in-kind or is reimbursed by the campaign; or,
 - Third party pays and is reimbursed by the campaign.
- Candidate may file an Oath of Undue Burden to waive the verification fee.
- At the conclusion of the campaign, if there are surplus funds left in the campaign after the candidate reimburses himself for any contributions he made to his campaign, he must reimburse the SOE for any petition verification and the 1% election assessment.



Political Communications



- **Political Advertisement**

- expressly advocates the election or defeat of a candidate
- an advertisement supporting a candidate is a contribution to the candidate unless it is an independent expenditure

- **Electioneering Communication**

- refers to or depicts a clearly identified candidate without expressly advocating the election or defeat of the candidate and is **not** a contribution to the candidate regardless of whether it is coordinated with candidate



Television Broadcasts Telephone Solicitations

F.S. 106.165

- Must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of or sponsored by a candidate;
- OR**
- Must file a written statement with the **qualifying officer** setting forth the reasons for not doing so.
- Must identify the person or organization sponsoring the call
- Must have written approval
- Cannot makeup a sponsor
- If it is not an independent expenditure, must have the candidate's written approval on file with the qualifying officer prior to the time the calls begin.

Voter Data

- Voter lists, labels and CDs are available for purchase.

Lists: **\$10.00** set up fee + **\$2.00** per 1,000 voters,
Labels: **\$10.00** set up fee + **\$4.00** per 1,000 voters,
CD Rom: **\$10.00** set up fee + **25¢** per 1,000 voters.

- A County precinct map is available for \$5.00
- Lists of voters requesting Absentee Ballots are available as an initial drop and daily thereafter.
Set up fee as stated above, then \$2 a day for lists, \$4 a day for labels and \$5 a day for CD or e-mail.

Candidate Qualifying





Documents Required

1. DS-DE 9 - Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
2. DS-DE 84 – Statement of Candidate (and for Judicial Candidates DS-DE 83)
3. **2011** Financial Disclosure - Form 1 or 6
4. Loyalty Oath (Either Partisan, Non-Partisan, No Party Affiliation, Judicial or Write-in Oath. **All Oaths were revised in 2011.**)
5. Pay qualifying fee by campaign check or submit Petition Certification.

Form 6 or Form 1 Checklist

- ✓ Use **2011** Form
- ✓ Contains candidate's signature
- ✓ Form 6 income section complete or tax return attached
- ✓ Form 6 is notarized

PART D – INCOME

You may ***EITHER*** (1) file a complete copy of your 2011 federal income tax return, including all W2's, schedules, and attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2011 federal income tax return and all W2's, schedules, and attachments. [If you check this box and attach a copy of your 2011 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000

ADDRESS OF SOURCE OF INCOME

AMOUNT

Loyalty Oath Checklist

- ✓ First **and** last name
- ✓ Name as it is to appear on the ballot
 - ✓ (Nickname **may** be used and is as generally known or used as part of legal name. May not use titles such as Dr., Reverend, Colonel, Esquire, etc.)
- ✓ Office sought, including District/Group, if applicable
- ✓ County of legal residence
- ✓ Voter Registration number **(NEW)**
- ✓ **Address** (does not have to be the person's legal or permanent address. Could be a PO box, business address, temporary address, campaign address, etc.)
- ✓ Party affiliation, if applicable
- ✓ Candidate's signature is original and properly notarized



What is the Required Fee?



- Partisan 6%
- NPA and Non-partisan 4 %
- Based on salary as of July 1, 2011
 - 12 x monthly salary (excluding any special qualifications pay)
- No adjustment even if there is a salary change in the interval before qualifying

CANDIDATE OATH -
CANDIDATE WITH PARTY AFFILIATION

OFFICE USE ONLY

OATH OF CANDIDATE (Section 99.021, Florida Statutes)

I, _____ (PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT * - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the office of _____

(office)

(district #)

(circuit #)

_____; I am a qualified elector of _____
(group or seat #)

County, Florida; I am qualified

under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Candidate's Florida Voter Registration Number (located on your voter information card): _____

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATEMENT OF PARTY (Section 99.021, Florida Statutes)

I am a member of the _____ Party; I have not been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which I seek to qualify; and I have paid the assessment levied against me, if any, as a candidate for said office by the executive committee of the political party, of which I am a member.

X

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Signature of Candidate

Telephone Number

Email Address

Address

City

State

ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20_____.

Personally Known: _____ or _____

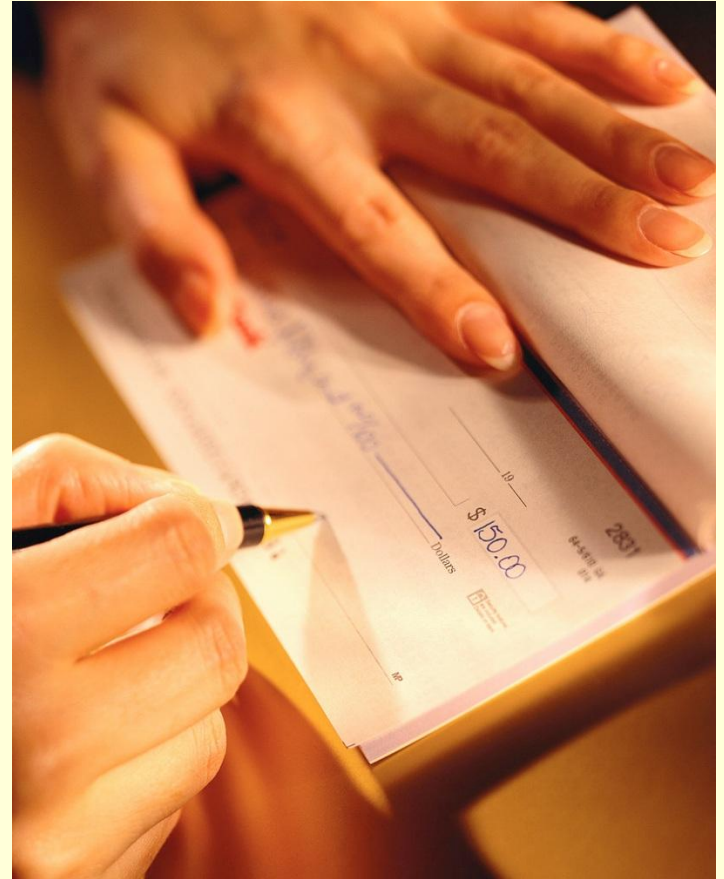
Produced Identification: _____

Type of Identification Produced: _____

Signature of Notary Public
Print, Type, or Stamp Commissioned Name of Notary Public

Drawn on the Campaign Account?

- Cashier checks, personal checks and money orders are not acceptable.
- Cashier's checks paid for by funds from the campaign account are not acceptable
- Exception for Special Districts





Qualifying Ends

- Qualifying begins at noon, Monday, June 4 and ends at noon, Friday, June 8, 2012.
- Anyone in line at noon on the 8th will be allowed to qualify.
- No changes to qualifying papers after the close of qualifying.
- A reasonable effort will be made to notify candidate of mistakes in paperwork prior to the last day of qualifying.
- If the bank returns the qualifying fee check to the SOE unpaid for any reason, and it is not replaced by the end of qualifying, the candidate will NOT be qualified.



Prohibited Acts

- Candidate cannot pay or give anything of value to speak in furtherance of his/her candidacy
- Cannot use a state-owned aircraft or motor vehicle to further his/her candidacy
- Cannot solicit or accept a contribution in a government owned building
- Use the services of any state, county, municipal, or district officer or employee of the state during working hours.
- **Solicit** contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.
- Make contributions, ***in exchange for political support***, to any religious, charitable, civic, or other cause or organizations established primarily for the public good.
- A candidate may not, with actual malice, make any false statement about an opposing candidate.

Thank You!

